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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,059

10/24/2006

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EXAMINER

MERLINO, ALYSON MARIE

ART UNIT

PAPER NUMBER

3673

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01/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,059	<b>Applicant(s)</b> MATYKO ET AL.	
	<b>Examiner</b> ALYSON M. MERLINO	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The examiner acknowledges applicant's amendments to claims 7 and 9-12, and the cancellation of claims 1-6 and 8.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one intermediate terminus must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Specifically, the claim recites that the channel includes at least one intermediate terminus, however, Figures 8-10A show the channel having only one intermediate terminus 78.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

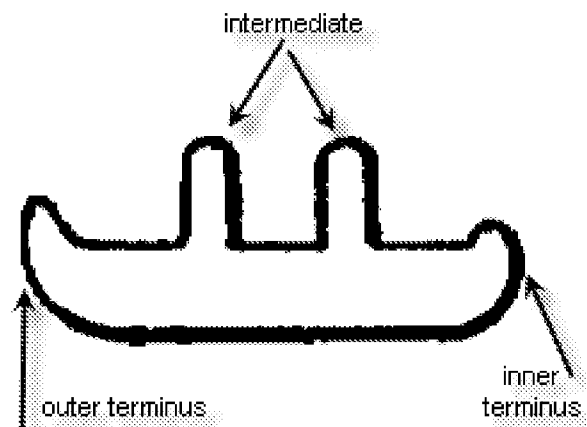
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 7, 11, and 12 are rejected** under 35 U.S.C. 102(b) as being anticipated by Guzzinati (US-5339659).

4. **In regards to claim 7**, Guzzinati discloses a multi-point lock having a locking mechanism (components shown in Figure 1) adapted to selectively retract and extend at least one locking element 4, 5 relative to an elongate housing 1 (Figures 2 and 3). The locking mechanism includes an arm 12 pivotally attached to a lock actuator 8 and constrained to travel in a channel 15 formed in a linkage device 2 linked to said at least one locking element (Figures 2-4). Guzzinati further discloses that the channel includes at least two terminuses (as shown in the figure below) extending from and “generally” perpendicular to the channel (Figures 1 and 3) at which the arm is in a locked position and at least one locking element is at an extended position protruding out of the elongate housing (apparent from Figure 2 and Col. 2, lines 14-34). Guzzinati also discloses that at least one locking element extends further out of the elongate housing with the arm at one of the terminuses than at another of the terminuses (apparent from Figure 3 and Col. 2, lines 14-34).

Guzzinati discloses that the terminuses of the channel include an inner terminus (see figure below), at least one intermediate terminus 14, and an outer terminus (see figure below). Guzzanti further discloses that the outer terminus is closer to an end

(end near reference character 3, Figure 3) of the elongate housing than the inner terminus (closer in position shown in Figure 3), and wherein the channel is a continuously straight channel (apparent from the figure below) from the inner terminus to the outer terminus and the at least one intermediate terminus is "generally" perpendicular to the continuously straight channel (apparent from the Figure below and the Figure 3).



5. **In regards to claim 11**, Guzzinati discloses that the arm is geometrically locked at a position along the channel (apparent from movement in Figures 2 and 3 and Col. 2, lines 14-34).
6. **In regards to claim 12**, Guzzinati discloses that the arm is geometrically locked in at least on of the terminuses (Col. 2, lines 14-34).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 9 and 10 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Guzzinati (US-5339659) in view of Sandrock (US-4282769).

10. Guzzinati discloses the multipoint lock as applied to claims 7, 11, and 12 above, with the arm being movable between the various terminuses (apparent from Figures 2 and 3 and Col. 2, lines 14-34 and lines 50-54). Guzzinati fails to disclose a blocking element having first and second positions in which the element blocks certain portions of the channel so that the arm is prevented from traveling through those portions. Sandrock teaches a blocking element 31 that has a first position (Figure 2) and a second position (Figure 3), and is movable into a position for blocking an arm 20 from

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traveling throughout certain portions of channel 10. Since the inclusion of a blocking element is well known in the art, it would have been obvious to one of ordinary skill at the time the invention was made to include a blocking element for preventing the arm from movement through certain portions of the channel disclosed by Guzzinati in order to enhance the security and versatility of the multipoint lock.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

12. The drawing objection set forth above was included after further review of the figures in light of the limitations added to claim 7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/  
Supervisory Patent Examiner, Art  
Unit 3673

/A. M. M./  
Examiner, Art Unit 3673  
January 23, 2008